#### ORDINANCE NO.

2014-3841

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES" TO STREAMLINE THE CITY'S BOARDS BY EXPANDING THE POWERS, DUTIES AND/OR MEMBERSHIP OF CERTAIN AGENCIES, BOARDS AND COMMITTEES AND ABOLISHING THOSE THAT ARE SUPERSEDED BY THE ENHANCED AGENCIES, BOARDS, AND COMMITTEES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, the City's various agencies, boards, and committees established in Chapter 2 of the City Code serve many important public functions; and

WHEREAS, in order to provide greater efficiency and to streamline the functioning of City boards, the Mayor and City Commission deem it in the best interest of the City to expand the powers, duties and/or membership of certain City boards and to abolish those boards that are superseded by the enhanced agencies, boards and committees.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, THAT CHAPTER 2, ARTICLE III OF THE CODE OF THE CITY OF MIAMI BEACH IS AMENDED AS FOLLOWS:

**SECTION 1.** That Article III of Chapter 2 of the Code of the City Miami Beach is hereby amended as follows:

- 1.) Division 3, entitled "Beautification Committee, Section 2-36 thereof, is deleted in its entirety.
- 2.) Division 8, entitled "Golf Advisory Committee," Section 2-36 thereof, is deleted in its entirety.
- 3.) Division 12, entitled "Loan Review Committee," Section 2-166 thereof, is deleted in its entirety.

4.) Division 12.5, entitled "Affordable Housing Advisory Committee," Section 2-167 thereof, is amended as follows:

## Sec. 2-167. Established; purpose; powers and duties; composition.

- (a) Established. There is hereby established the affordable housing advisory committee, whose purposes, power and duties, composition, membership qualifications and general governing regulations are set forth in this section.
- (b) Purpose. The affordable housing advisory committee is herein created pursuant to and in accordance with F.S. § 420.9076 requiring said committee to triennially review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the City of Miami Beach and to recommend specific actions or initiatives to encourage or facilitate the development and/or retention of affordable housing while protecting the ability of property to appreciate in value.

The committee shall also review applications for funding the rehabilitation of residential properties, under the provisions of the Multifamily Housing Rehabilitation Guidelines, as approved pursuant to Resolution No. 95-21728, and as may be amended from time to time, and such review shall include property qualifications and eligibility of applicants. The committee shall recommend approval of qualified applications to the City Manager, and Mayor and City Commission.

In addition, the committee shall serve as an advisory body, representing all residents of the city, especially those directly affected by the consolidated plan, which will encompass CDBG, HOME and ESGP funds, and the Section 108 Loan Guarantee Program, to provide input regarding all phases of the community development program, and to effectuate and encourage citizen participation from all individuals, especially low and moderate income persons and residents of community development target areas.

- (c) Powers and duties.
  - The powers and duties of the affordable housing advisory committee, pursuant to F.S. § 420.9076, are to submit a report to Miami Beach <del>C</del>citv **C**commission that recommendations on, and triennially thereafter, evaluate the implementation of, affordable housing incentives in the areas as set forth specifically within F.S. § 420.9076(4)(a)—(k). The advisory committee's recommendations may also include other affordable housing incentives identified by the advisory committee. The approval by the advisory committee of its local housing incentive strategies recommendations and its review of local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the membership of the advisory committee taken at a public meeting. All remaining procedural requirements attendant to the advisory committee's recommendations as set forth within F.S. § 420.9076 shall apply. The advisory committee may perform other related duties at the request of the city commission.
  - The advisory committee shall review applications for funding the rehabilitation of residential properties under the provisions of the city's Multi-family Housing Rehabilitation Programs Guidelines (as approved pursuant to Resolution No. 95-21728, and as may be amended from time to time), and recommend approval of qualified applications to the city manager and city commission (which recommendations shall be advisory and not binding upon the manager or the city commission).
  - 3. The advisory committee shall advise the city manager and city commission with regard to the formation of the City's Five (5) Year Consolidated Plan to assess the city's affordable housing and community development needs; provided, however, that the committee will not have the power to make administrative decisions nor direct city staff's actions.
  - 4. In addition, the committee shall serve as an advisory body, representing all residents of the city, especially those directly affected by the consolidated plan, which will encompass CDBG, HOME and ESGP funds, and the Section 108 Loan

Guarantee Program, to provide input regarding all phases of the community development program, and to effectuate and encourage citizen participation from all individuals, especially low and moderate income persons and residents of community development target areas.

- 5. The advisory committee may perform other related duties, at the request of the city manager or the city commission.
- (d) Composition. The affordable housing advisory committee shall consist of 41 eighteen (18) voting members with two-year terms.

The Seven (7) members of the affordable housing advisory committee shall be <u>direct appointments</u>, one made by the mayor and each commissioner. The direct appointees shall either be:

- (i) a resident of a locally designated community development target area for a minimum of six months; or
- (ii) demonstrate ownership/interest for a minimum of six months in a business established in a locally designated community development target area for a minimum of six months.

<u>tThe remaining eleven (11) members shall be</u> appointed at large by a majority vote of the mayor and city commission. The <u>committee at large appointees</u> must include:

- 1. One citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- 2. One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- 3. One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- 4. One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- 5. One citizen who is actively engaged as a for-profit provider of affordable housing.

- 6. One citizen who is actively engaged as a not-for-profit provider of affordable housing.
- 7. One citizen who is actively engaged as a real estate professional in connection with affordable housing.
- 8. One citizen who actively serves on the local planning agency pursuant to F.S. § 163.3174.
- 9. One citizen who resides within the jurisdiction of the local governing body making the appointments.
- 10. One citizen who represents employers within the jurisdiction.
- 11. One citizen who represents essential services personnel, as defined in the local housing assistance plan.

Members of the loan-review committee, community development advisory committee, planning board and Miami Beach Housing Authority may be appointed to fill any of the above 11 categories. and serve as ex-officio voting members on this 11 member affordable housing advisory committee. If the city, due to the presence of a conflict of interest by prospective appointees, or other reasonable factor, is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed.

- (e) Supporting department. The supporting department of the committee is the neighborhood services department, Hhousing and community Delevelopment division. department.
- 5.) Division 13, entitled "Parks and Recreational Facilities Board," Section 2-171 thereof, is amended as follows:

#### Sec. 2-171. Established; purpose; composition.

- (a) Established. There is hereby established the parks and recreational facilities board, whose purposes, power and duties, composition, membership qualification and general governing regulations are as set forth in this section.
- (b) Purpose Powers and Duties. The board shall serve in an advisory capacity to the city commission and the city manager and the director of recreation, culture and parks on matters related to the successful implementation of a comprehensive community-based parks and recreation service delivery system. Such issues may include, but are not

limited to, creative program development, a community involvement process, overall parks and recreation facility development, and service as an oversight committee to evaluate goals of the recreation, culture and parks and recreation department. The board shall interact with other boards, governmental agencies and civic groups on an as-needed basis to foster the success of the department's objectives. The board shall also serve in an advisory capacity to the city manager and the city commission with regard to matters pertaining to the:

- recreational and operational facilities of the Scott Rakow
   Youth Center and North Shore Park Youth Center;
- 2. use, operation and management of the city's public municipal golf courses; and
- 3. use, operation, and management of the city's public tennis facilities; provided however, that the board shall be purely advisory and recommendatory regarding the programs, services, operations, and (where noted above) management of such facilities.
- (c) Powers and duties. See subsection (b) of this section.
  (c)(d) Composition. The parks and recreational facilities board shall be comprised of ten thirteen (13) voting members:
  - 1. Seven (7) direct appointments, one made by the mayor and each commissioner.
    - The chairpersons of the following boards/committees or their designees shall serve as nonvoting, ex officio members of the parks and recreational facilities board:
    - a. The beautification committee.
    - b. The golf advisory committee.
    - c. The youth center advisory board.
  - 2. Six (6) at-large appointments as follows:
    - a.) Two (2) members having an affiliation with the city's youth centers, with one member affiliated with the Scott Rakow Youth Center, and one member with the North Shore Park Youth Center. "Affiliation" with a youth center may be deemed to include a present participation in youth center activities by a member's child/children.

- b.) Two (2) members who have demonstrated a high degree of interest, participation, and/or expertise in the sport of golf.
- c.) Two (2) members who have demonstrated a high degree interest, participation, and/or expertise in the sport of tennis.
- (d)(e) Knowledge and experience. Members of the board shall demonstrate interest in the city's parks and recreational facilities and programs through their own participation or the participation of a member of their immediate family. Consideration should also be given to individuals who have special knowledge or background related to the field of parks and recreation.
- (e) (f) Supporting department. The supporting department of the board is the recreation, culture parks and recreation department.
- 6.) Division 14, entitled "Safety Committee," Section 2-176 thereof, is hereby deleted in its entirety.
- 7.) Division 16, entitled "Youth Center Advisory Board," Section 2-186 thereof, is hereby deleted in its entirety.
- 8.) Division 18, entitled "Community Relations Board", Sections 2-190.11 through 2-190.15 thereof, is hereby deleted in its entirety.
- 9.) Division 20, entitled "Police/Citizen Relations Committee," Section 2-190.39 thereof, entitled "Composition," is amended as follows:

# Sec. 2-190.37. Purpose.

The mission of the police/citizen relations committee is to recommend and endorse programs and projects that will enhance the well-being of the residents and visitors of the city and to provide advice to the city commission pertaining to community/police relations with the aim of improving the public's confidence in government and in particular, the police department of the city.

#### Sec. 2-190.38. Powers and duties.

The police/citizen relations committee shall have the following duties, functions, powers and responsibilities:

- To serve in an advisory capacity to the city commission and the city administration of the city with respect to matters pertaining to police/community relations and their impact on the community of the city.
- 2. To formulate and recommend plans and programs relating to community relations, and to review and make recommendations regarding the police department budget.
- 3. Members shall be encouraged to participate in the "ride along" program of the department.
- 4. It is the express purpose of this committee to serve as a vehicle for responsible persons to understand and resolve the concerns of the residents of the city with regard to police/community relations and to make recommendations to the city commission and city administration regarding such matters.
- 5. To perform such other duties as may from time to time be assigned to it by the city commission

#### Sec. 2-190.39. Composition

The committee shall consist of 17 members, fourteen (14) of whom shall be voting members. The members shall be direct appointments, with the mayor and city commissioners, each making two individual appointments. One nonvoting ex officio member shall be from the nonadministrative personnel of the police department selected by a majority vote of the nonadministrative personnel. Two additional nonvoting ex officio members shall be the police chief (or a designee) and the city attorney (or a designee). The chairperson of the committee or his designee shall serve as a nonvoting, ex officio member of the community relations board. The police/citizen relations committee shall be assigned to the police department.

# Sec. 2-190.41. Supporting department.

The supporting department of the committee is labor relations.

10.) Division 21, entitled "Marine Authority," Sections 2-190.46 through 2-190.41 thereof, is amended as follows:

## MARINE AND WATERFRONT PROTECTION AUTHORITY

#### Sec. 2-190.46. Created.

The city's marine <u>and waterfront protection</u> authority is hereby created and established. Powers, duties, composition and attendance requirements of the <u>marine</u> authority are set out specifically in this division.

## Sec. 2-190.47. Established; purpose.

- (a) There is hereby established the marine and <u>waterfront protection</u> authority, whose purposes, power and duties, composition, membership qualification and general governing regulations are as set forth in this section and sections 2-109.22 and 2-109.23. 2-190.49.
- (b) The supporting department of the authority is the code enforcement department. The marine authority is dedicated to providing high quality advisory assistance to the city administrative department in marine-related matters. The marine authority is committed to promoting and maintaining a safe, clean and healthy marine environment to be enjoyed by its citizens, as well as visitors to the city. To accomplish this goal, the authority receives and reviews applications for charter boats, beach concessions, marine related special events and sensitive marine environmental issues.

# Sec. 2-190.48. Membership.

- (a) Composition. The marine authority shall consist of seven fourteen (14) voting members, who shall be direct appointments by with the mayor and city commissioners each having two (2) direct appointments, and one nonvoting, ex officio member of the authority, who shall be a representative of the city marine patrol
- (b) Knowledge and experience. Appointments to the authority shall consist of a combination of individuals who have had previous experience in the 1) operation of or inspection of either marine vessels or marine facilities, including experience in various types of marine vessels and boating activities, and/or 2.) who have an interest in preservation of the city's beaches and waterfronts. including fishing in the waterways of the city. The members of the marine authority shall have the right and duty to consult with any member of the city administration for technical or other information pertaining to the matters before them.

#### Sec. 2-190.49. Powers and duties.

The powers and duties of the marine authority are to:

- 1.— Recommend to the city commission the adoption, revision and amendment from time to time of appropriate rules and regulations reasonably necessary for the implementation, effective enforcement, administration and interpretation of the provisions of this chapter and the minimum standards prescribed in this chapter, and to provide for the effective and continuing establishment and enforcement of reasonable minimum standards within the framework of the chapter. When approved by the city commission, such rules and regulations shall have the force and effect of law.
- 2. Make continuing studies and periodic reports and advisory non-binding recommendations to the city manager or the city commission for the improvement of minimum standards for the city in marine-related matters to promote and maintain a safe clean and healthy marine environment to be enjoyed by the city's residents and visitors. This shall include and to working in cooperation with all federal, state and local agencies interested in marine standards and clean and clear waterways; and to publicize—ing the importance of adequate minimum standards; to and holding and conducting public hearings, discussions, forums and institutes to arrange programs for the presentation of information by experts in related fields, and to visit and study marine programs conducted in other metropolitan areas.
- 2.(3) Foster and maintain a clean, litter-free marine environment by exploring the availability of enforcement techniques, new ordinances, and the active promotion of voluntary cleanups.
- 3.(4) Make recommendations regarding any ongoing and future waterside activities including the permitting and policing of water-related and beach concessions, and water-oriented and marine related special events, and marine and waterfront environmental issues.
- 4. (5) Make recommendations to the planning board or any other city board when acting on matters related to the provisions of this chapter. The investigation, development, and carrying out of plans for the preservation and renourishment of the beaches in the city, including, but not limited to, erosion control.

- 5. To foster and maintain a clean, safe, and litter-free beach environment by exploring the availability of enforcement techniques, programs, or new legislation to accomplish these goals.
- 6. The encouragement of a desire in the citizenry and visitors to the city to maintain and preserve the city's beaches.
- 7. The recommendation of plans to the city manager, city commission, as well as to other local, state, and federal governmental agencies, for the preservation and nourishment of the city's beaches.
- 8. The authority's power of review and recommendation set forth hereinabove shall apply as well to such matters concerning maintenance of city boardwalks, beachwalks, cutwalk and baywalks.
- 11.) Division 25, entitled "**Transportation and Parking Committee**," Sections 2-190.91 through 2-190.88 thereof, is amended as follows:

# TRANSPORTATION, AND PARKING, AND <u>BICYCLE-PEDESTRIAN</u> <u>FACILITIES</u> COMMITTEE

#### Sec. 2-190.91. Established.

There is hereby established the transportation, <u>parking and bicycle-pedestrian facilities</u> and <u>parking</u> committee, whose purposes, power and duties, composition, membership qualification and general governing regulations are as set forth in this division.

#### Sec. 2-190.92. Purpose.

The transportation, and parking, and bicycle-pedestrian facilities committee's of the city's mission is to serve in an advisory capacity to the city manager and the city commission and city administration in matters of transportation and parking as they relate to the unique community neighborhoods of the city; and to improve the lives of the city's residents and visitors by promoting the development, sound management, safety and use of public facilities dedicated to bicycles and pedestrians in the city. It shall be the goal of this committee to assist in the development of programs, the implementation of solutions and the forwarding of recommendations to the city which are fiscally

responsible. This committee shall strive to help resolve the critical transportation and parking challenges facing our growing, dynamic community.

#### Sec. 2-190.93. Powers and duties.

The transportation and parking committee shall have the following duties, functions, powers and responsibilities:

- 1. To serve in an advisory capacity to the city commission and the city administration manager with respect to matters pertaining to transportation and parking and their impact on the communities of the city. As such, the city commission and or the city administration manager shall refer matters of public import pertaining to transportation and parking to the transportation and parking committee prior to their adoption or implementation for consideration and recommendation. The matter shall be considered and sent back to the commission with a recommendation.
- 2. To formulate and recommend plans and programs for coordination of the activities of governmental entities pertaining to transportation and parking and their impact on the city.
- 3. It is the express purpose of this committee to serve as a vehicle for responsible persons to utilize and consult with in attempting to understand and resolve the concerns of the city with regard to transportation and parking issues, and to make recommendations to the city <u>manager</u> and <u>or city</u> commission <u>city</u> administration regarding such matters.
- 4. The committee shall also provide advisory recommendations to the city manager or city commission regarding the use, operation, safety, management and development of public bicycle and pedestrian facilities for such action as they may seem appropriate.
- <u>5.</u> To perform such other duties as may from time to time be assigned to it by the city manager or city commission.

#### Sec. 2-190.94. Composition.

The committee shall consist of fourteen (14) voting members. The mayor and city commissioners shall each make one direct appointment, with the other seven (7) members of the committee to be comprised of members from the following community organizations, each of which must delegate a permanent coordinating representative:

- Miami Beach Chamber of Commerce's Transportation and Parking Committee:
- 2. Miami Beach Community Development Corporation;
- 3. Ocean Drive Association:
- Miami Design Preservation League;
- 5. North Beach Development Corporation;
- 6. <u>a Mid-Beach Community Neighborhood or Business</u> Association;
- 7. Lincoln Road Marketing, Inc.

On an annual basis, the members of the committee shall elect a chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the committee. Seven (7) members shall consist of a quorum of the committee and shall be necessary in order to take any action.

## Sec. 2-190.95. Compensation.

Members shall serve without compensation.

#### Sec. 2-190.96. Meetings.

Committee meetings or subcommittee meetings of the committee may be called by the chairman or by written notice signed by ten (10) members of the committee. Additionally, the committee may call a meeting to be conducted at a future date. All meetings are public and shall be conducted in accordance with the Florida Sunshine Law, of the state F.S. § 286.011.

#### Sec. 2-190.97. Knowledge and experience.

The members of the voting committee shall have knowledge of and interest in transportation and parking and their impact on the city. The members of the board shall be officially designated by their respective community organization and shall follow provide a letters from such organization certifying that designation shall be forwarded to the Miami Beach city clerk.

## Sec. 2-190.98. Supporting department.

The supporting department of the committee is the parking department.

## Secs. 2-190.99—2-190.105. Reserved.

- 12.) Division 26, entitled "Community Development Advisory Committee," sections 2.190.106 through 2-190.112 thereof, is hereby deleted in its entirety.
- 13.) Division 27, entitled "Waterfront Protection Committee," Sections 2-190.12

through 2-190.126 thereof, is hereby deleted in its entirety.

- 14.) Division 28, entitled "Capital Improvement Projects Oversight Committee," Section 2-190.127 thereof, is hereby deleted in its entirety.
- 15.) Division 29, entitled "**Debarment Committee**," Sections 2-190.128 through 2-190.133 thereof, is hereby deleted in its entirety.
- 16.) Division 33, entitled "**Tennis Advisory Committee**" Section 2-190.148 thereof, is hereby deleted in its entirety.
- 17.) Division 34, entitled "Bicycle-Pedestrian Facilities Advisory Committee," Sections 2-190.149 through 2-190.153 thereof, is hereby deleted in its entirety.

# **SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

# **SECTION 3. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

#### **SECTION 4. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," article," or other appropriate word.

#### **SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect on the 31st day of May, 2014.

PASSED AND ADOPTED this 1014 day of February 2014.

ATTEST:

Philip Levine Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO FORM & LANGUAGE & FOR EXECUTION

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